



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>



**Gray Davis**  
Governor

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION: 31405**

**DATE FILED: March 20, 2002**

Notice is hereby given that Pacific Gas and Electric Company (PG&E) has filed an application for a water right permit to divert water from South Fork Stanislaus River tributary to Stanislaus River in Tuolumne County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the applicant should be mailed to:

Pacific Gas and Electric Company  
c/o Mr. Randal S. Livingston, Lead Director, Power Generation  
P.O. Box 770000, N11E  
San Francisco, CA 94177

**Please note:** The SWRCB does not have jurisdiction to prepare an environmental document subject to the California Environmental Quality Act (CEQA), or make determinations regarding the conditions for water use under the subject application since the proposed hydroelectric power project is subject to regulation by the Federal Energy Regulatory Commission (FERC).

### Description of Project

PG&E has applied for water rights to divert 6.5 cubic feet per second (cfs) of water for nonconsumptive use from the South Fork Stanislaus River for hydroelectric power generation at its Spring Gap/Stanislaus Hydroelectric Project. PG&E currently holds water right License 1391 (Application 1339) to divert up to 56.5 cfs from the South Fork Stanislaus River as part of its Spring Gap/Stanislaus Hydroelectric Project, which is operated under FERC License No. 2130. PG&E is applying for the additional 6.5 cfs of water in order to utilize the maximum capacity of its conveyance systems that feed the power projects.

The water diverted from the South Fork Stanislaus River is directed into the Philadelphia Ditch where it is utilized downstream to generate electricity at the Spring Gap Powerhouse. The return water from the powerhouse is discharged into the Middle Fork Stanislaus River. That water is

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

then rediverted, along with the waters of the Middle Fork Stanislaus River at the Sandbar Diversion where these combined waters are used to generate electricity at the Stanislaus Powerhouse. Return water from the Stanislaus Powerhouse is discharged into the Stanislaus River just above the New Melones Reservoir.

This application proposes to utilize the maximum capacity of the Philadelphia Ditch by requesting to divert an additional 6.5 cfs of water from the South Fork Stanislaus River. The additional water will generate a combined total of 1,494 kilowatts of electricity through both power plants and the total fall is 3390 feet.

### Summary of Application

County: Tuolumne  
 Source: South Fork Stanislaus River  
 Point of  
 Diversion: Located within the SW¼ of NW¼ of Section 30, T4N, R18E, MDB&M.  
 Amount: 6.5 cfs of direct diversion  
 Season: January 1 through December 31 for direct diversion.  
 Purpose: Power generation  
 Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
NW¼ of SE¼ (Spring Gap Powerhouse)	21	4N	17E	MD		
NE¼ of SW¼ (Stanislaus Powerhouse)	6	3N	15E	MD		

### Environmental Information

The SWRCB does not have jurisdiction to prepare an environmental document subject to CEQA since the proposed hydroelectric power project is subject to regulation by FERC.

### PROTEST SUBMITTAL INFORMATION

#### Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.

- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation. The SWRCB will not accept any protests that raise issues that are outside of its jurisdiction.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Divisions' website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

### **Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the 60<sup>th</sup> day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major" project (the proposed diversion is greater than 3 cfs by direct diversion or greater than 200 acre-feet per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the SWRCB following an evidentiary hearing.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Kathryn Gaffney by phone at (916) 341-5360 or by electronic mail at [kgaffney@waterrights.swrcb.ca.gov](mailto:kgaffney@waterrights.swrcb.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **August 22, 2003**